

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TIMOTHY ADAMS, :
 : Civil Action No. 05-1677 (RBK)
Petitioner, :
 :
v. : **OPINION AND ORDER**
 :
UNITED STATES OF AMERICA, :
 :
Respondent. :

APPEARANCES:

Petitioner pro se
Timothy Adams
#42380019
F.C.I. Fairton
P.O. Box 420
Fairton, NJ 08320

KUGLER, District Judge

This matter is presently before the Court upon Petitioner's submission of a Motion [Docket Entry No. 6] to Alter Judgment, pursuant to Fed.R.Civ.P. 59(e). Familiarity with this Court's Opinion and Order entered April 12, 2005, is presumed.

1. "A motion under Rule 59(c) is a 'device to relitigate the original issue' decided by the district court, and used to allege legal error." U.S. v. Fiorelli, 339 F.3d 282, 288 (3d Cir. 2003) (internal citations omitted). A Rule 59(e) motion may be granted only when the plaintiff demonstrates: (i) an intervening change in controlling law; (ii) new evidence that was

not previously available; or (iii) the need to correct a clear error of law or fact or to prevent manifest injustice. See, e.g., North River Ins. Co. v. CIGNA Reins. Co., 52 F.3d 1194, 1218 (3d Cir.1995).

2. Here, Petitioner asserts that this Court committed "a clear error of law" when it determined that it lacked jurisdiction over the Petition in this matter and that failure to address Petitioner's claims on the merits would result in "manifest injustice."

3. Nothing in Petitioner's motion reveals any such "clear error of law" or "manifest injustice."

It is, therefore, on this 3^d day of October, 2005,

ORDERED that the Motion [6] to Alter or Amend Judgment Pursuant to Rule 59(e) is DENIED.



Robert B. Kugler
United States District Judge